

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7017

BILL NUMBER: SB 428

NOTE PREPARED: Jan 2, 2013

BILL AMENDED:

SUBJECT: Fines for Infractions.

FIRST AUTHOR: Sen. Taylor

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that the fine, including court costs, for a person who commits a moving violation that is a Class C infraction may not exceed:

- (1) \$50, if the person's household income is less than the federal poverty guidelines; or
- (2) \$100, if the person's household income is at least 100% of the federal poverty guidelines, but less than 200% of the federal poverty guidelines.

Effective Date: July 1, 2013.

Explanation of State Expenditures:

Explanation of State Revenues: The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

In 2011, there were 263,455 Class C infraction citations issued for which the violator was found guilty.

The Kaiser State Health Facts data indicate that in 2011, 20% of Indiana's population was below 100% of the federal poverty level (FPL) and that 19% was between 100% FPL and 200% FPL.

Assuming a similar percentage of the 2011 citations with a finding of guilt, 102,747 would be eligible for reduced court costs and judgements. Of these, an estimated 52,691 would pay a maximum of \$50, less than the applicable court fees. The remaining 50,056 would be subject to a maximum of \$100, which is \$30 more than the applicable court fees. There are no data available to estimate the average judgement applied to Class C infractions.

Explanation of Local Expenditures: If additional court time is required to determine that a violator has credible evidence concerning the person's household income as a percentage of FPL, costs for Class C infractions for traffic violations may increase as well.

Explanation of Local Revenues: Local governments receive revenue from the following sources for Class C infractions. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Persons found guilty of a felony or misdemeanor are also required to pay the following fees that are deposited in local funds: the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: statehealthfacts.org; 2011 BMV Citation Report.

Fiscal Analyst: Karen Firestone, 317-234-2106.